

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

*

CRIMINAL NO. ELH-21-161

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MATTHEW K. WALSH,

*

Defendant

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UNITED STATES' MOTION FOR PRELIMINARY ORDER OF FORFEITURE

The United States of America, by its undersigned attorneys, respectfully moves this Court for the issuance of a Preliminary Order of Forfeiture in the above-captioned case pursuant to 18 U.S.C. § 2253 and Rule 32.2(b) of the Federal Rules of Criminal Procedure. A proposed Preliminary Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On May 12, 2021, a federal grand jury sitting in the District of Maryland returned an Indictment charging MATTHEW K. WALSH (the “Defendant”) with Sexual Exploitation of a Minor, in violation of 18 U.S.C. § 2251 (Counts One and Two), Coercion and Enticement, in violation of 18 U.S.C. §§ 2422 and 2427 (Counts Three and Four), and Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A (Counts Five and Six). ECF No. 1.

2. The Indictment also included a forfeiture allegation, which provided notice that the United States intended to seek forfeiture, pursuant to 18 U.S.C. §§ 2253 and 2428, 21 U.S.C. § 853(p), 28 U.S.C. § 2461(c), upon conviction of the Defendant of the offenses alleged in Counts One through Six of the Indictment.

3. On July 22, 2022, the Defendant pled guilty to the offense alleged in Count One of the Indictment. ECF No. 50. As part of his guilty plea, the Defendant agreed to forfeit to

the United States all right, title, and interest in the following items that the Defendant agreed constitute money, property, and/or assets derived from or obtained by the Defendant as a result of, or used to facilitate the commission of, the Defendant's offense:

- (1) iPhone XR, S/N:DNPXN634KXKV (Asset ID:21-FBI-006554);
- (2) Macbook Pro Laptop, S/N: C02PRA1FFVH5 (Asset ID: 21-FBI-006554); and
- (3) Apple Smart Watch, Model: A2U93, S/N: FH7ZC4ZUMLTN (Asset ID: 21-FBI-006554)

(collectively, the "Subject Property").

4. Pursuant to 18 U.S.C. § 2253, and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, the United States is now entitled to a Preliminary Order of Forfeiture with respect to the Subject Property.

5. Upon the issuance of a Preliminary Order of Forfeiture and pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, the United States shall publish, for thirty (30) consecutive calendar days on the government forfeiture website www.forfeiture.gov, notice of the Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the Subject Property, and notice that any person, other than the Defendant, having or claiming a legal interest in the Subject Property must file a petition with the Court within sixty (60) days after the first day of publication on the government forfeiture website or within thirty (30) days after receipt of actual notice, whichever is earlier.

6. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited Subject Property and any additional facts supporting the petitioner's claim and the relief sought.

7. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Subject Property that is the subject of the Preliminary Order of Forfeiture as a substitute for published notice as to those persons so notified.

8. The United States also seeks authority to conduct any discovery that might be necessary to identify, locate, or dispose of forfeited property, pursuant to Rule 32.2(b)(3) and (c)(1)(B) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m).

WHEREFORE, the United States requests that this Court:

- (a) enter the Preliminary Order of Forfeiture in the form submitted herewith;
- (b) include the forfeiture, as set forth in the Preliminary Order of Forfeiture, in the oral pronouncement of the Defendant's sentence;
- (c) retain jurisdiction for the purpose of enforcing the forfeiture; and
- (d) incorporate the Preliminary Order of Forfeiture in the criminal judgment entered against the Defendant, pursuant to Federal Rule of Criminal Procedure 32.2(b)(4).

Respectfully submitted,

Erek L. Barron
United States Attorney

By: /s/
Paul E. Budlow
Assistant United States Attorney